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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,562	10/13/2000	Alan T. Ruberg	P4822	9045
32291	7590	11/15/2005	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			FERRIS, DERRICK W	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

K

Application No.

09/687,562

Applicant(s)

RUBERG ET AL.

Examiner

Derrick W. Ferris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10 is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-14, 16, 20, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 17-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. This Office action is in response to applicant's paper filed 8/8/2005. **Claims 1-14, 16-22** as amended are still in consideration for this application. Applicant has amended claims 1, 3, 4, 11, 16, 18, 20, 21, and 22. Applicant has added no claims.
2. Examiner **withdraws** the 112-1st paragraph rejection to **claim 20 but not claim 3** based on applicant's amendment to the claims. In particular, no support was found for a processor that is connected to both the network and the network data interconnect. Specifically, applicant's figures *teach away* from the proposed claim amendment since the processor shown e.g., in applicant's figure 7 is connected to the demultiplexer 334 and multiplexer 342 and not the network and network data interconnect respectively. In addition, applicant provided no support for such a claim amendment.
3. Examiner **withdraws** the anticipated rejection to ***Ozkan*** based on applicant's claim amendments. As such, please find a new rejection. In addition, since the new rejection also reads on previously allowed claimed subject matter for previously objected claim 16, please note that the current Office action is made non-final in order to give applicant an opportunity to respond to the new rejection for claim 16.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. **Claim 3** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to **claim 3**, applicant clarifies that a processor is coupled between the network and the network data interconnect where said processor converts data in various data formats into data represented by one protocol. Examiner notes that such a processor as disclosed by applicant is part of the bulk decoder such that as shown e.g., in figure 7 the processors 352, 354 are not *coupled* between the network and the interconnect but are instead coupled to the demultiplexer 334 and the multiplexer 342 which is between the network and the interconnect. In fact, none of applicant's figures show a processor that is coupled to both a network and a network data interconnect that perform the functionality that is recited in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1, 4-6, 16, 20, and 21** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,816,904 B1 A to *Ludwig et al.* ("*Ludwig*").

As to **claim 1**, *Ludwig* discloses e.g., in figure 3 a bulk decoder as part of the AVSC 120, output devices as user workstations 40 and a server as either another user

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workstation 40 or AVSM 160. For the purpose of the rejection, a network is taught as part of data LAN 20 and a network data interconnect is taught as the AV Network 30, additional data network 20, or the same data network 20, see e.g., sections 4.2.1 and 4.2.2 on columns 8 and 9 with respect to one or more networks since different workstations can reside on different networks including but not limited to data LAN 20, Interent 80 and WAN 39. As such, the AVSC 120 (i.e., bulk decoder) is coupled to the data LAN 20 since the AVSC 120 is capable of storing data files and streams with the respective user workstations 40. The AVSC 120 is further coupled to the network data interconnect since the AVSC 120 is further capable of sending data files/streams to the user workstations 40. The user workstations 40 (i.e., server) send a request message across the data LAN 20 to the AVSM 160 (also a server) where the AVSM 160 further services the request by utilizing one or more AVSCs 120. With respect to AVSC 120 being a bulk decoder, see e.g., figures 7 and 8 and column 12, lines 40-47 and column 15. Also note that data can be sent in the form of either data files or data streams, see e.g., column 8, line 65.

As to **claims 4 and 5**, see e.g., Section 4.3 starting on column 10 with respect to workstations (i.e., a desktop unit) where the workstations further comprise storage, see e.g., column 10, lines 56-58.

As to **claim 6**, see e.g., figures 7 and 8 with respect to a plurality of bulk decoders.

As to **claim 16**, see similar rejection to claim 1. In addition, a decoder decodes either audio or video signal thus meeting the claim limitation since data can be audio,

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video, or audio and video where audio or video signals are in a single protocol format, e.g., a video decoder decodes a video only datafile/stream and sends the datafile/stream to a corresponding/requesting user workstation 40.

As to **claim 20**, the AVSMs, which include the decoders, are selected based on network performance, see e.g., column 15, lines 31-40.

As to **claim 21**, see similar rejection to claim 16.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2-3, 11-14 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,816,904 B1 A to *Ludwig et al.* ("*Ludwig*") in view of U.S. Patent No. 6,028,632 to *Siong et al.* ("*Siong*").

As such to **claim 2**, *Ludwig* discloses more than one decoder in e.g., figures 7 and 8.

Ludwig is silent or deficient to the further limitation of a central processor coupled to a demultiplexer and a multiplexer where a decoder is further coupled to the multiplexer and demultiplexer.

Siong teaches the further recited limitation above at e.g., in the Abstract. In particular, although figure 1 may not explicitly shown that microcontroller 6 is coupled to demultiplexer 10, the examiner notes that the reference teaches that the microcontroller 6

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controls the demultiplexer as mentioned at least in the abstract. Therefore the microcontroller must be coupled to the demultiplexer.

The proposed modification of the above-applied reference(s) necessary to arrive at the claimed subject matter would be to modify *Ludwig* by clarifying the further structure of the shared decoder and in particular to teach that it is well known in the art to use a controller to control the operation of a multiplexer and demultiplexer.

As such, examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include the above limitation. In particular, the motivation for modifying the reference or to combine the reference teachings would be to control the synchronization of a multiplexer and demultiplexer. In particular, *Ludwig* cures the above-cited deficiency the output is synchronized with respect to a display buffer. Thus the references teach the above claim limitation(s).

As to **claim 3**, the processor is the processor of either the AVSM or AVSC as taught by *Ludwig*.

As to **claim 11**, see similar combined rejections to claims 1 and 2.

As to **claim 12**, the decoders decode single protocol formats.

As to **claims 13-14**, audio or video signals are decoded (i.e., thus an audio or video decoder are taught respectively).

As to **claim 22**, see similar combined rejections to claims 16 and 2.

Allowable Subject Matter

10. **Claims 7-10** are allowed.

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11. **Claims 17-19** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

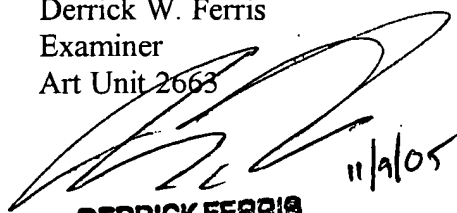
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DWF

Derrick W. Ferris
Examiner
Art Unit 2663



11/9/05
DERRICK FERRIS
PATENT EXAMINER